

Message Text

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ACTION OES-07

INFO OCT-01 AF-10 ARA-10 EA-07 EUR-12 NEA-10 ISO-00
FEA-01 ACDA-07 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 COME-00 DLOS-09 DODE-00 DOTE-00 EB-08
EPA-01 ERDA-05 FMC-01 TRSE-00 H-01 INR-07 INT-05
IO-13 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OMB-01
PA-01 PM-05 PRS-01 SP-02 SS-15 USIA-06 /162 W
-----044319 090626Z /21

R 090459Z AUG 77
FM AMEMBASSY CANBERRA
TO SECSTATE WASHDC 1067
INFO AMEMBASSY JAKARTA
AMEMBASSY KUALA LUMPUR
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY PORT MORESBY
AMEMBASSY SINGAPORE
AMEMBASSY WELLINGTON
AMEMBASSY SUVA
AMEMBASSY TAIPEI
AMEMBASSY TOKYO
USMISSION USUN
CINCPAC HONOLULU

C O N F I D E N T I A L CANBERRA 5578

CINCPAC ALSO FOR POLAD

TOKYO FOR REGIONAL FISHERIES ATTACHE

E.O. 11652: GDS
TAGS: PLOS, AS
SUBJECT: AUSTRALIAN 200 NM FISHING ZONE

1. SUMMARY: DEPARTMENT OF FOREIGN AFFAIRS (NOLAN, LEGAL
DIVISION) ASKED EMBOFF TO COME IN AUGUST 5 FOR BRIEFING
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ON GOA PLANS FOR A 200 NAUTICAL MILE FISHING ZONE. END
SUMMARY.

2. ACCORDING TO DFA, THE AUSTRALIAN CABINET HAS DECIDED
TO PREPARE LEGISLATION FOR A 200 NM FISHING ZONE. NOLAN
STRESSED THAT THE CABINET DECISION WAS "TO PREPARE" LEGIS-
LATION RATHER THAN SIMPLY "DECLARE" A 200 NM FISHING ZONE.

THE LEGISLATION WOULD COVER "AUSTRALIA AND ITS TERRITORIES," BUT NOLAN TOLD US IN STRICT CONFIDENCE--EMPHASIZING THAT THE GOA DIDN'T WANT THIS TO GET BEYOND THE US, UK, CANADA AND NEW ZEALAND, AT THIS STAGE--THAT GOA PLANS DID NOT INCLUDE AUSTRALIA'S CLAIMED SECTOR IN ANTARCTICA, ABOUT WHICH NO DECISIONS HAVE BEEN MADE. NOLAN EMPHASIZED THAT THIS LEGISLATION WOULD ONLY COVER "FISHING"--IT WOULD NOT DIRECT ITSELF TO OTHER ECONOMIC RESOURCES OR SEABEDS. HE DID NOT HAVE ANY DATES BY WHICH DRAFTS WOULD BE READY, LET ALONE IMPLEMENTED, BUT SAID HE WOULD OF COURSE TRY TO GET US A COPY AS SOON AS IT WAS AVAILABLE. (IN THIS CONNECTION, SEE ALSO CANBERRA A-89, AUGUST 10, 1977, ITEM 5.)

3. WITH RESPECT TO ECONOMIC RESOURCES, ALTHOUGH THE MATTER IS STILL UNDER CONSIDERATION, THE GOA APPARENTLY FEELS RESOURCES ON ITS CONTINENTAL SHELF ARE ALREADY PROTECTED UNDER THE GENEVA CONVENTION ON CONTINENTAL SHELVES.

4. THE DFA DOES NOT FORESEE ANY PARTICULAR FOREIGN POLICY PROBLEMS ARISING FROM THE 200 NM FISHING ZONE; AUSTRALIA ALREADY HAS FISHERIES AGREEMENTS WITH INDONESIA, PAPUA NEW GUINEA, WESTERN SAMOA, FRANCE (REGARDING FRENCH TERRITORIES IN THE PACIFIC), AND NEW ZEALAND. THE PRINCIPAL FISHERS OFF AUSTRALIA'S COAST ARE THE JAPANESE, TAIWANESE, AND INDONESIANS. THE LATTER ACCOUNT FOR A NEGLIGIBLE PORTION

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OF THE CATCH SINCE THEIRS IS MOSTLY SUBSISTENCE FISHING. JAPANESE FISHING IS MOSTLY LONG-LINE FOR TUNA, AND THE AUSTRALIANS HAVE AN AGREEMENT WITH JAPAN IN WHICH THE JAPANESE ARE GRANTED THE USE OF SPECIFIC PORTS AND FACILITIES IN AUSTRALIA FOR THEIR FLEET. TAIWAN WILL OFFER THE GREATEST DIFFICULTIES, SINCE THE GOA RECOGNIZES THE PRC AND HAS NO GOVERNMENT-TO-GOVERNMENT AGREEMENTS WITH TAIPEI. FURTHERMORE, THE TAIWANESE ACCOUNT FOR A SUBSTANTIAL PORTION OF FISHING IN THE NEW 200-MILE ZONE, AND IN THE PAST HAVE BEEN SOMETHING OF A PROBLEM. DFA ISN'T QUITE SURE HOW THEY WILL TACKLE LICENSING PROBLEMS FOR TAIWAN JUST YET. IN REPLY TO A DIRECT QUESTION, NOLAN SAID THE GOC HAD NOT YET REACHED ANY DECISIONS ABOUT LICENSING REQUIREMENTS, FEES, ELIGIBILITIES OR RESTRICTIONS.

5. NOLAN INDICATED THE GOA DID NOT BELIEVE ENFORCEMENT OF A 200-MILE ZONE WOULD BE A PROBLEM; THE AUSTRALIAN DEPARTMENT OF DEFENSE HAS TOLD THE DFA THAT ITS RESOURCES ARE ALREADY GEARED FOR LONG-RANGE PATROLING, WHICH WOULD BE SUPPLEMENTED BY REPORTS FROM PATROL CRAFT, COMMERCIAL SHIPS, AND COMMERCIAL AND PRIVATE AIRCRAFT. EMBASSY BELIEVES, HOWEVER, THAT SURVEILLANCE AND ENFORCEMENT COULD

IN FACT PRESENT A SIGNIFICANT PROBLEM FOR THE GOA. FOR
EXAMPLE, THERE HAVE BEEN A NUMBER OF RECENT INCIDENTS
INVOLVING "UNINVITED" SHIPS PENETRATING AUSTRALIAN WATERS
AND LANDING ON AUSTRALIAN SHORES UNDETECTED FOR DAYS.

6. WE DID NOT GO OVER THE RECENTLY-ENDED LOS SESSIONS IN
NEW YORK EXCEPT FOR A BRIEF EXCHANGE IN WHICH NOLAN
EXPRESSED CURIOSITY ABOUT THE STRENGTH OF THE US
REACTION TO THE UNEXPECTED DRAFT TEXT ON SEABEDS.
EMBOFF REPLIED THAT THE US HAD INDEED BEEN SURPRISED BY
THE TABLING OF A TEXT COMPLETELY DIFFERENT IN SUBSTANCE
AND IN TONE FROM THAT WHICH HAD BEEN SO PAINSTAKINGLY
WORKED OUT BY THE EVENSEN GROUP, AND SAID THAT SUCH ACTION
CALLED INTO QUESTION THE PREMISES UNDER WHICH THE US WAS
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PARTICIPATING IN EFFORTS TO ACHIEVE A SATISFACTORY LAW OF
THE SEA AGREEMENT. NOLAN REMARKED IN CLOSING THAT THE
GOA WOULD BE STUDYING (BUT HAVE NOT YET BEGUN DOING SO)
THE ALTERNATIVE TEXT. ALSTON

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Message Attributes

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